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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of Request of WavePhore, Inc. for Clarification of the Television Rules to Allow Digital Data Transmission Within the Video Portion of Television Station Transmissions	))))))	DKT 95-42 Public Notice DA 94-67

COMMENTS OF ASSOCIATION FOR MAXIMUM SERVICE TELEVISION, INC.

The Association for Maximum Service Television, Inc. ("MSTV") hereby files comments in response to the above-captioned Public Notice, released January 25, 1994, seeking comment on a petition filed by WavePhore, Inc. on matters relating to the Commission's policies on digital data transmission within the video portion of broadcast television station transmissions.[1/]

MSTV strongly supports the general principle of using excess capacity within the broadcast television transmission to provide useful and beneficial new data services. MSTV is an active participant in an industry-wide effort to establish voluntary standards for data broadcasting services that will permit and encourage the full utilization of these new technologies, ensure no degradation to the broadcast video or audio as a result of the operation of data broadcasting systems, and promote compatibility among

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1/ MSTV is a trade association of approximately 250 local broadcast television stations committed to achieving the highest technical quality feasible for the local broadcast system.

competing systems. We therefore urge the Commission to exercise caution in taking any step at this time which would appear to sanction the introduction of any specific data broadcasting technology at the expense of others, or impede these industry-wide efforts.

DISCUSSION

Recently, a number of companies have developed technologies that should permit the transmission of digital signals using the vertical blanking interval ("VBI"), the audio baseband, and the visual pass-band of the television signal.[2/] These pioneering efforts suggest that digital broadcasting over existing NTSC signals is technologically feasible (without causing degradation to the originating station's signal).[3/]

[2/] Silent Radio of Chatsworth, California provides a scrolling LED display distributing news, sports, and stock information to banks, hotels, restaurants, and bars in 42 markets in the United States using VBI capacity on local television stations. Insight Telecast has developed an electronic program guide which can transmit its data to a simple home receiver using a VBI line on a local broadcast signal. Finally, Jeen International is developing a device called a Teledata Recorder ("TDR") for allowing consumers at home to access and extract information from large computer information services such as databases and bulletin boards. Using VBI lines from several TV stations as the delivery vehicle for the data, the TDR device will allow users to selectively capture, store, retrieve and display information on a television screen.

[3/] Prototypes of several data broadcasting systems, including both the Teledata Recorder and WavePhore's system were demonstrated at NAB 1993 in Las Vegas, Nevada on April 18-22, 1993.

Moreover, data broadcasting is not limited to VBI-based technology. In addition to the WavePhore system, other companies have developed systems that operate in the visual portion of the signal.[4/] Such technologies should enable viewers in the home to interact with regularly scheduled TV programming.

Although the scope of innovation in the area of data broadcasting is encouraging, at the same time it raises the specter of inter-system incompatibility. Without an industry standard, both manufacturers and the public may approach data broadcasting in a blind, short-sighted manner.

Data broadcasting potentially can provide television viewers with beneficial new communications services without adversely affecting the quality of the television signal. However, MSTV believes that if data broadcasting is to be implemented successfully in the marketplace, some coordination will be necessary to promote the most efficient techniques for data broadcasting and to prevent needless incompatibilities and consumer frustration.

For example, teletext and AM stereo -- both promising new services at the time of their introduction -- floundered in the marketplace because of the absence of an effective industry standard for the technologies. In

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[4/] For example, Interactive Systems Inc. had developed a technology called Video Encoded Invisible Light (VEIL) for transmitting data over an NTSC channel in the active video portion of the video signal.

hindsight, it is clear that the absence of a single industry standard significantly impeded the implementation of AM stereo;[5/] the same is true of teletext.[6/]

Indeed, in the case of AM stereo, the decade-long commercial shake-out of competing systems resulted in uncertainty on the part of both equipment manufacturers and broadcasters regarding the direction of AM stereo broadcasting. Ultimately, Congress directed the Commission to establish a single AM stereo standard,[7/] but it seems evident that the market for this useful new service has been permanently impaired.

MSTV believes that it is both possible and highly desirable to encourage the development of voluntary standards for data broadcasting. Moreover, this objective can be reached without reliance on formal government standard-setting.

Recognizing the benefits that data broadcasting could provide, the broadcasting industry is actively studying

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5/ See generally In the Matter of Amendment of the Commission's Rules to Establish a Single AM Radio Stereophonic Transmitting Equipment Standard, 8 FCC Rcd 8216, 8216 (1993); In the Matter of AM Radio Stereophonic Broadcasting, 3 FCC Rcd 403, 403-04 (1988) (refusing to adopt standard).

6/ See "Teletext: It's More Than Just Closed Captioning," Business Wire, March 3, 1994; H. Jessell, "NAB Faces Multimedia Crisis," Broadcasting & Cable, April 26, 1993, at 19; cf. G. Cole, "Information For Everybody, On TV," The Times, April 16, 1992, at *2-3 (describing success of Datacast and DBI in Britain).

7/ Telecommunications Authorization Act of 1992, Pub. L. No. 102-538, § 214, 106 Stat. 3533, 3546 (1992).

the best means of implementing data broadcasting services. In May 1993, parties interested in the development of data broadcasting services organized the National Data Broadcasting Committee (the "NDBC"), an entity whose purpose is to help develop a voluntary technical standard for high-speed data broadcasting for NTSC TV stations.[8/] The NDBC is presently engaged in ongoing efforts to encourage the development of common standards for high capacity data broadcasting.

The NDBC is open to any interested parties, and there is every reason to believe that in the near future the NDBC will be able to reach a consensus on the best system for facilitating data broadcasting transmissions on existing NTSC television channels. Clearly, if the industry can agree on a standard, the prospects for successfully implementing data broadcasting will be vastly enhanced.

Recently, the Commission has relied on the private sector to help develop standards for solutions to significant problems confronting the television broadcast service. Most prominently, the Advisory Committee on Advanced Television Service[9/] has played, and continues to play, an invaluable role in the development of ATV technologies. The Advisory

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[8/] See "Newsline," Billboard, May 8, 1993, at 8; "Teletext: It's More Than Just Closed Captioning," Business Wire, March 3, 1994, at *3-4.

[9/] See 52 Fed. Reg. 38523, 38523-24 (October 16, 1987) (establishing Advisory Committee).

Committee's work will undoubtedly ease the transition from NTSC to ATV broadcasting.

Similarly, a private sector initiative produced a solution to ghosting, one of the most long-standing problems facing those viewers who rely on over-the-air reception of television signals. In 1993, the Commission endorsed the Philips ghost-cancelling system, in large part based on the work of ATSC. See In the Matter of Amendment of the Commission's Rules Relating to the Permissible Uses of the Vertical Blanking Interval of Broadcast Television Signals (Report & Order), 8 FCC Rcd 3613, 3615 (1993). Initially, the Commission expressed concern that adoption of a single standard would discourage future improvements in ghost-cancelling systems. See In the Matter of Amendment of the Commission's Rule Relating To the Permissible Uses of the Vertical Blanking Interval of Broadcast Television Signals (NPRM), 8 FCC Rcd 90, 92 (1992). However, the Commission ultimately concluded that adoption of a single standard "[was] highly desirable as a means of encouraging initial production of ghost-cancelling-equipped TV receivers which will offer an immediate benefit to television audiences." Report & Order, 8 FCC Rcd at 3615.

In order to facilitate a speedy and successful roll-out of data broadcasting services, the Commission should adopt the approach it took with respect to ATV and ghost-cancelling, and rely on the NDBC to develop an industry-supported standard

for data broadcasting.[10/] The market failure of teletext services in the United States strongly suggests that the alternative approach -- sanctioning a free for all -- would be detrimental to both broadcasters and television viewers. Indeed, the European experience with teletext clearly demonstrates that consensus is necessary if a teletext-type service is to achieve broad-based market acceptance.

CONCLUSION

MSTV strongly supports the innovative use of television transmission systems to provide new data services to the public. MSTV also supports the industry-wide effort to establish voluntary data broadcasting standards for the industry. However, MSTV believes that the Commission should exercise caution before taking any step at this time which would appear to promote the introduction of any specific data broadcasting technology at the expense of other emerging technologies. Thus, MSTV urges the Commission when ruling on WavePhore's request to endorse the NDBC process and to avoid

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10/ In this regard, the Commission could properly treat the WavePhore petition for clarification as a petition for rulemaking, and establish a docket to consider the results of the NDBC's efforts.

any implication that it is sanctioning or approving any of the specific technologies being evaluated by the NDBC.

Respectfully submitted,

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